



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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FEBRUARY 9, 2015

Regular meeting of the City Council held on Monday, FEBRUARY 9, 2015 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, and Clancy and Landers. Meeting adjourned at 8:59 PM.

ORDERED: That the minutes of the City Council meeting JANUARY 5, 2015, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, FEBRUARY 23, 2015**, as the date for a **RESCHEDULED PUBLIC HEARING DUE TO INCLEMENT WEATHER** On the Application for Special Permit to modify existing Special Permit issued to Digital Federal Credit Union, 853-865 and 905 Donald Lynch Blvd. on June 16, 2003, to remove Condition #7 prohibiting LCD signs on the property, Order No. 14-1006011A, X14-1006053, X03-10047B, **ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, FEBRUARY 23, 2015**, as the date for a **RESCHEDULED PUBLIC HEARING DUE TO INCLEMENT WEATHER** On the Application for Sign Ordinance Special Permit; Digital Federal Credit Union, 865 Donald Lynch Blvd, to operate an electronic message center sign at its bank branch located at 865 Donald Lynch Blvd, Order No. 14-1006053, X14-1006011B, X03-10047B, **ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, FEBRUARY 23, 2015**, as the date for a **CONTINUED PUBLIC HEARING** On the Application for Special Permit from Attorney Bergeron on behalf of NPG Management LLC, to install two drive-through service windows which will be part of the new Dunkin Donuts building located at 525 Maple St., Order No. 15-1006070, **ADVERTISE**; adopted.

ORDERED: That the the Mayor's State of the City Address at the February 9, 2015 City Council meeting, **FILE**; adopted.

ORDERED: It is moved, in conformance with the provisions of section 21(a)(3) of Chapter 30A of the General Laws of the Commonwealth, that the Marlborough City Council conduct an executive session for the purpose of discussing litigation strategy on a sewer contract dispute involving a property on St. Martin Drive, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough, and the chair hereby declares that an open meeting may have that effect.

It is further moved and stated that the City Council will re-convene in open session after the executive session, **APPROVED**; adopted.

Yea: 11-Nay: 0

Yea: Delano, Page, Elder, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Robey & Oram

ORDERED: That the Legal Department transfer request in the amount of \$1,200,000.00 which moves funds from Undesignated to Claims & Judgments to cover pending litigation against the City, **TABLED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:		Mayor's				FISCAL YEAR:		2015	
FROM ACCOUNT:					TO ACCOUNT:				
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$4,603,241.69	\$1,200,000.00	10000	35900	Undesignated Fund Balance	\$1,200,000.00	11510006	57600	Claims & Judgments	\$11,422.30
Reason:					US District Court Judgment 12/15/2014				
	\$1,200,000.00	Total			\$1,200,000.00	Total			

ORDERED: That the Police Department transfer request in the amount of \$50,000.00 which moves funds from Police Officers to OT-Regular for the purposes detailed in the Police Chief's correspondence, **APPROVED**; adopted.

FROM:

Acct. # 12100001-50420 \$50,000.00
Police Officers

TO:

Acct. # 12100003-51310 \$50,000.00
Overtime-Regular

ORDERED: That the Fire Department transfer request in the amount of \$30,000.00 which moves funds from and to various accounts as noted in the attached spreadsheet to contract with a search firm to assist in the hiring of a new Fire Chief, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Fire Department					FISCAL YEAR:	2015		
		FROM ACCOUNT:					TO ACCOUNT:			
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$52,950.00	\$15,000.00	14001002	50062	DPW-Finance Assistant	\$30,000.00	12200003	53140	Fire-Contract Services	\$0.00	
	Reason:	Position vacant until recently					To fund a consultant for a Fire Chief search			
\$7,362.50	\$3,100.00	11520004	53150	Personnel-Advertising						
	Reason:	Advertising costs lower than anticipated								
\$1,900.00	\$1,900.00	15270004	53140	HS-Contract Services						
	Reason:	Funds available								
\$50,000.00	\$10,000.00	61075206	59080	Water-Interet Expense						
	Reason:	Interest expense will be lower than anticipated								
	\$30,000.00	Total			\$30,000.00	Total				

ORDERED: That the Health Department transfer request in the amount of \$25,500.00 which moves funds from and to various accounts as noted in the attached spreadsheet to fund the final transition of the Health Department reorganization, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Board of Health				FISCAL YEAR:		2015		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$13,891.65	\$5,000.00	15120001	50391	Part-Time Nurse	\$24,000.00	15120001	50605	Sanitarian/Admin	\$16,503.83	
Funds available due to prior vacancy					To fund new director at proposed salary thru 6/30/15					
\$22,166.55	\$4,500.00	16100001	50470	Childrens Librarian	\$1,500.00	15120001	50611	Assistan Sanitarian	\$29,755.01	
Funds available due to prior vacancy					To fund two Asst Sanitarians thru 6/30/15					
\$26,115.75	\$2,000.00	16100003	51259	Reference Librarian Part-Time						
Reason:		Funds available due to prior vacancy								
\$72,704.69	\$4,000.00	16100003	51261	Part-Time Library Clerks						
Reason:		Funds available due to prior vacancy								
\$35,400.00	\$10,000.00	11330002	50770	Comptroller-Sr Clerk						
Reason:		Funds available due to prior vacancy								
	\$25,500.00	Total			\$25,500.00	Total				

ORDERED: That the Building Department transfer request in the amount of \$10,000.00 which moves funds from Contract Services to Assistant Building Inspector for the hiring of a temporary, full-time Local Inspector in the Building Department, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Building Department				FISCAL YEAR:		2015		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$13,225.44	\$10,000.00	12410004	53140	Contract Services	\$10,000.00	12410001	50260	Asst Bldg Inspector	\$55,148.08	
Reason:		Available funds								
					To fund a temporary asst building inspector thru 6/30/15					
	\$10,000.00	Total			\$10,000.00	Total				

ORDERED: That the City Clerk’s transfer request in the amount of \$1,600.00 which moves funds from Constables to Office Supply/Expenses and Printing to cover costs associated with the annual Street List mailing and to purchase new security paper to print professional certified vital records, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:		City Clerk/Election				FISCAL YEAR:		2015	
FROM ACCOUNT:					TO ACCOUNT:				
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$1,609.95	\$1,300.00	11620003	51460	Constables	\$1,300.00	11620005	54220	Office Supply/Expenses	\$952.67
Reason:		Fund Costs associated with Annual Street List mailing							
	\$300.00	11620003	51460	Constables	\$300.00	11610004	53930	Printing	\$319.38
Reason:		Purchase new security paper for vital record certificates							
\$1,600.00		Total			\$1,600.00	Total			

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Fire Department Grant Acceptances as follows:

- a. \$2,000.00 from Commonwealth of Massachusetts Executive Office of Health & Human Services (EOHHS) Department of Public Health to further train and enhance the department’s readiness as a contributing member of the MA Decontamination Unit during public health emergencies.
- b. \$6,123.00 from Commonwealth of Massachusetts Executive Office of Public Safety and Security to provide student awareness of fire education programs.
- c. \$3,195.00 from Commonwealth of Massachusetts FY15 Senior Safe to provide senior fire prevention training; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Stanton Foundation Grant in the amount of \$4,000.00 and a Digital Federal Credit Union (DCU) grant in the amount of \$2,000.00 awarded to the Police Department. The first grant will be utilized for our K-9 narcotics program and associated training. The second grant will be utilized in support of existing Police Department youth initiatives; adopted.

ORDERED: That pursuant to the provisions of § 53E1/2 of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation and approval of the Mayor, does authorize an increase in expenditures in the Public Safety Revolving Fund from fifty thousand dollars (\$50,000) to no more than seventy-five thousand dollars (\$75,000) during Fiscal Year 2015, **APPROVED**; adopted.

ORDERED: That a portion (Lot 2) containing 11.31 acres of the Hudson Street Landfill property located at Hudson Street and shown on the Marlborough Assessor's Maps as Map 30, Parcel 4, as taken by the City of Marlborough in October 5, 1959 for purposes of a public dump and other municipal purposes, is hereby permanently dedicated to park and recreation purposes under the provisions of M.G.L. c. 45, § 3; and further, that, as so dedicated, said property is hereby placed under the care, custody, management and control of the City of Marlborough Recreation Commission, refer to **FINANCE COMMITTEE**; adopted.

Councilor Elder recused.

ORDERED: That the sum of \$3,095,000 (three million ninety-five thousand) dollars be and is hereby appropriated for the construction of municipal outdoor recreational facilities.

That to meet said appropriation, the Comptroller-Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$3,095,000.

Pursuant to the provisions of Chapter 44, section 7 (25) of the Massachusetts General Laws, as amended, each issue of such bonds or notes shall be payable in not more than fifteen (15) years from its date of issue, refer to **FINANCE COMMITTEE**; adopted.

Councilor Elder recused.

ORDERED:

**A RESOLUTION
TO APPLY FOR AND ACCEPT A GRANT FROM
THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS,
FOR THE HUDSON STREET LANDFILL RECREATION FACILITY**

WHEREAS, by vote of the City Council on _____, 2015, the care, custody, management and control of a portion (Lot 2) containing 11.31 acres of the Hudson Street Landfill property located at Hudson Street and shown on the Marlborough Assessor's Maps as Map 30, Parcel 4, as taken by the City of Marlborough in October 5, 1959 for purposes of a public dump and other municipal purposes, has been dedicated to park and recreation purposes under M.G.L. c. 45, § 3, and has been placed under the care, custody, management and control of the Recreation Commission of the City of Marlborough; and

WHEREAS, the Hudson Street landfill is an under-used parcel of land, and the development of this land into a large recreation center is a priority of the city of Marlborough, as evidenced by the most recent Open Space and Recreation Plan; and

WHEREAS, the main focus of a conceptual Master Plan prepared for the Hudson Street landfill's reuse is to build a new multi-purpose recreation center for the City; and

WHEREAS, the Hudson Street landfill's reuse is to be guided by the said Master Plan and will include a softball/baseball field, two multi-use fields, playground area, parking lot for 100+ parking spaces, a concession stand with restroom facilities, a water bubbler, bike racks, exercise center, picnic tables, and landscaping with the addition of 60+ trees and shrubs. In addition, a 0.25 mile walking path loop is to be developed for this project and lights will be added to extend play time on the fields; and

WHEREAS, the Commonwealth of Massachusetts' Executive Office of Energy and Environmental Affairs ("EOEEA") is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Parkland Acquisitions and Renovations for Communities ("PARC") grant program (301 CMR 5.00); and

WHEREAS, the project cost as outlined in the Master Plan totals \$3,095,000 (three million ninety-five thousand), and the City Council has voted on _____, 2015 to authorize the bond funding in the amount of \$3,095,000 (three million ninety-five thousand);

NOW, THEREFORE, be it resolved, as follows:

1. That the Mayor be, and hereby is, authorized to apply for and accept a PARC grant from EOEEA; and
2. That the Mayor be, and hereby is, authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of the PARC grant to be administered by the Recreation Commission of the City of Marlborough; and
3. That this Resolution shall take effect upon its passage.

Refer to **FINANCE COMMITTEE**; adopted.

Councilor Elder recused.

ORDERED: Pursuant to MGL c. 30B, § 16(e)(2), the City Council of the City of Marlborough hereby determines that advertising for the proposed purchase of a certain parcel of land containing 1,750 s.f., more or less, on New Street, Marlborough, MA 01752, will not benefit the City's interest because of the unique qualities and location of the property as hereinafter defined.

The parcel is identified as Map 69, Parcel 194 of the Assessors Map of the City of Marlborough.

The parcel is further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 59049, Page 525.

The property satisfies the requirements of said MGL c. 30B, § 16(e)(2), because the property: (a) is directly adjacent to the new Marlborough Senior Center; (b) provides a small structure that can house maintenance equipment needed at the adjacent Artemus Ward Park; and (c) is located in a residential neighborhood in which the City wishes to eliminate this parcel's future use as a commercial property.

It is further ordered that the Mayor is authorized to enter into negotiations for the purchase of the property so identified, subject to the availability of sufficient funds or an appropriation as required, and an affirmative two-thirds vote of the City Council prior to a binding agreement of sale.

The price of any purchase that may ensue from this Order shall not exceed Thirty-Five Thousand Dollars (\$35,000.00).

Pursuant to MGL c. 7C, § 38, the persons having a beneficial interest in this parcel, as set forth in said Book 59049, Page 525, are Joseph P. McMahon, Sr. and Cindy A. McStay, Trustees of the Joseph P. McMahon Revocable Living Trust dated November 6, 2003 and any amendments thereto, of 34 Ocean Boulevard, Hampton, NH 03842. The maximum proposed purchase price is \$35,000.00, subject to such conditions as may be negotiated.

Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Reappointment of Mark Gibbs as IT Department Head and Reappointment of Cynthia Panagore-Griffin as Assistant City Solicitor for a term to expire three years from date of approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Appointment of Robert Camacho as Building Commissioner for a term to expire three years from date of appointment, refer to **PERSONNEL COMMITTEE**; adopted.

Councilor Irish recused.

ORDERED: That the Reappointment of Greg Mitrakas and Appointment of David Bouvier to the License Board for terms to expire six years from date of approval, refer to **PERSONNEL COMMITTEE**; adopted. Mr. Bouvier replaces longtime member James Riessle who resigned in December.

ORDERED: That the Appointment of Dennis Cavanaugh and Renee Perdicaro to the Community Development Authority for terms to expire three years from date of approval, refer to **PERSONNEL COMMITTEE**; adopted. Mr. Cavanaugh will replace Stephen Leduc who resigned in November and Ms. Perdicaro will replace Lynn Faust whose term has expired.

ORDERED: That the Appointment of Pat Gallier to the Council on Aging to fill the balance of the term of Lynn Anderson which is due to expire on May 2, 2017, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from the Planning Board re: Acceptance of Bouffard Dr. as a Public Way, refer to **PUBLIC SERVICES**; adopted.

ORDERED: That the Communication from NSTAR re: Request filed with MA Department of Public Utilities (MDPU) to Increase Gas Distribution Rates, **FILE**; adopted.

ORDERED: That the Communication from Central MA Mosquito Control Project District re: Pesticide Exclusion Steps, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, December 15, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, December 2, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, November 20 & December 4, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Recreation Commission, November 12, 2014, **FILE**; adopted.

ORDERED: High School Council, January 7, 2015, **FILE**; adopted.

ORDERED: That the Communication from Amica, on behalf of Edith Sussman, 25 Canterbury Way, refer to **LEGAL DEPARTMENT**; adopted.

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.

- a. William Williams, 115 Cochituate Rd., Apt 101, Framingham, MA, pothole or other road defect.
- b. George VanDeman, 15 Mill St., Blackstone, MA, pothole or other road defect & other property damage and/or personal injury.
- c. Alexander D'Angelo, 183 Stevens St., residential mailbox claim 2(a).
- d. Michael Urato, 66A Main St., Blackstone, MA, pothole or other road defect & other property damage and/or personal injury.

Reports of Committees:

Councilor Clancy reported the following out of the Legislative and Legal Affairs Committee:

Meeting Name: City Council Legislative & Legal Affairs Committee

Date: January 20, 2015

Time: 5:30 PM

Location: City Council Chambers, 2nd Floor, City Hall, 140 Main Street

Agenda Item(s) addressed:

Convened: 5:30 PM

Adjourned: 6:08 PM

Present: Chairman Clancy; Legislative & Legal Affairs Committee Members Councilors Robey and Delano (Councilor Delano recused from Order No. 14-1006043.)

Also Present: Michael Berry, Executive Aide (Office of the Mayor); Cynthia Panagore Griffin, Assistant City Solicitor; Michael Bergeron, Executive Director of Finance & Operations (Marlborough Public Schools); Richard Langlois, Superintendent (Marlborough Public Schools)

Order No. 14-1005961: An Amendment to the City Code Relative to the Chief Procurement Officer.

The committee discussed removal of the following section "B. (4) Function as the coordinator for the Americans with Disabilities Act (ADA), especially as it relates to those responsibilities under Title II of the Act; and" from under Article V. Chief Procurement Officer, §7-35 Duties and placing the Chief Procurement Officer duties under the direction of the City Auditor.

Motion made by Councilor Delano, seconded by the Chair, to approve as amended in Section 7-35, entitled "Duties", by deleting the words "City Solicitor" wherever it appears and inserting in place thereof the words "City Auditor" and removal of section B. (4). The motion carries 3-0 and is approved.

Order No. 14-1006058: Order of Taking by Eminent Domain and Order of Acceptance of Public Way regarding Cul-De-Sac on D'Angelo Drive.

The committee discussed an eminent domain order of taking and order of acceptance of a public way regarding the cul-de-sac at the westerly terminus of D'Angelo Drive. This area was to be transferred to the City of Marlborough by the Johnson Trust as noted on the plan, but that conveyance never occurred.

Reports of Committees cont'd:

Motion made by Councilor Delano, seconded by the Chair, to approve the Order of Taking by Eminent Domain and Order of Acceptance of Public Way regarding Cul-De-Sac on D'Angelo Drive. The motion carries 3-0 and is approved.

Order No. 14-1006043: Home Rule Petition Exempting Certain Marlborough Public School Positions from Civil Service.

Councilor Delano recused himself from the discussion of Order No. 14-1006043 and left the meeting. The committee discussed a home rule petition of the Marlborough School Committee to exempt certain employees within the School Department from civil service requirements. This exemption applies to custodial, cafeteria, and clerical workers throughout the school system.

Motion made by Councilor Robey, seconded by the Chair, to approve the Home Rule Petition Exempting Certain Marlborough Public School Positions from Civil Service. The motion carries 2-0 and is approved.

**Motion made by Councilor Robey, seconded by the Chair, to adjourn.
Motion Passed: 2-0**

Meeting Adjourned: 6:08 PM.

Councilor Landers reported the following out of the Public Services Committee:

Meeting Name: City Council Public Services Committee

Date: January 20, 2015

Time: 6:00 PM

Location: City Council Chambers, 2nd Floor, City Hall, 140 Main Street

Agenda Item(s) addressed:

Convened: 6:15 PM

Adjourned: 7:20 PM

Present: Chairman Landers; Public Services Committee Members Councilors Irish and Clancy

Also Present: Evan Pilachowski, City Engineer (City of Marlborough); Crystal Tognazzi, National Grid Representative

Order No. 14-1006032: Plowing of Private Way – Reagin Lane. Evan Pilachowski, City Engineer, stated to the committee that the Department of Public Works is satisfied with the conditions on Reagin Lane for plowing and sanding purposes. The road went through the subdivision approval process and has been built to City standards. **Motion made by Councilor Clancy, seconded by Chair, to recommend that the private way, REAGIN LANE, be approved for snow and ice removal (MGL Chapter 40, Section 6-C). The motion carries 3-0 and is approved.**

Reports of Committees cont'd:

Order No. 14-1006034: Petition of National Grid and Verizon New England, Inc. to install new primary riser P20-50 to be located 23' off roadway in between existing P20 and P21 Ames Street. Also to install 2-4" conduits encased in concrete, one primary pull box and underground cable along Ames Street. Conduit system will be installed 3' back of curb on the north side of the roadway. This installation is required to provide electrical service to new multifamily residential development – The Preserve at Ames. Crystal Tognazzi, National Grid Representative, explained to the committee that National Grid requires the installation of intermediate Pole 20-50 because they cannot place additional equipment on Pole 20 as it does not allow them the space to work on the pole safely. **Motion made by Councilor Clancy, seconded by Chair, to approve the installation of new primary riser Pole 20-50 to be located 23' off roadway in between existing P20 and P21 Ames Street and to install 2-4" conduits encased in concrete, one primary pull box and underground cable along Ames Street. Conduit system will be installed 3' back of curb on the north side of the roadway. The motion carries 3-0 and is approved.**

Order No. 14-1006012: Petition of National Grid and Verizon New England, Inc. to relocate joint owned P5 on Norwood Street 4' north and install sidewalk guy. Existing pole is deteriorated and will be relocated further away from customer's driveway entrance. Crystal Tognazzi, National Grid Representative, stated National Grid has an inspection program for their poles and they are replaced as necessary depending upon the extent of damage to the poles. **Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the relocation of joint owned P5 on Norwood Street 4' north and install sidewalk guy. The motion carries 3-0 and is approved.**

Motion made by Councilor Clancy, seconded by Chair, to adjourn. The motion carries 3-0 and is approved. The meeting adjourned at 7:20 PM.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:59 PM.